
**State Government Operations &
Accountability Committee**

ESSB 5743

Brief Description: Enhancing voter registration recordkeeping.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Fairley, Benson, Berkey, Haugen, McAuliffe, Shin, Parlette, Keiser, Mulliken and Rockefeller; by request of Secretary of State).

Brief Summary of Engrossed Substitute Bill

- Permits the use of a state identification card for voter registration and identifies secondary forms of identification.
- Provides for the issuance of a unique voter identification number if an applicant does not have a driver's license, state identification card or social security number.
- Requires voter registration forms to include boxes the applicant can check to indicate that he or she is a United States citizen, and that he or she is a member of the armed services
- Requires the Secretary of State to verify applicant citizenship with the Immigration and Naturalization Service.
- Compels the Secretary of State to check other state agency lists or databases for the purpose of identifying felons.
- Directs county auditors to conduct random checks of the county database with the statewide database.

Hearing Date: 3/18/05

Staff: Marsha Reilly (786-7135).

Background:

The Help America Vote Act of 2002 (HAVA) requires states to make changes to elections administration practices and provides federal funds for such purposes. Specifically, HAVA requires the creation of a statewide voter registration database; provisional voting capabilities; a driver's license or social security number from an individual registering to vote; mail-in

registration forms to include certain questions relating to citizenship and age; early disability access voting; the establishment of a local government grant program; and applying the administrative complaint procedures to elections. Statutory changes made to satisfy HAVA were enacted in 2004, but do not become effective until January 1, 2006.

To register to vote, an application must be submitted to the appropriate county auditor. At a minimum the application must include the applicant's name, residential address, date of birth, and a signature attesting that the information provided is true.

Effective January 1, 2006, in order to be registered to vote an applicant must provide a Washington driver's license number or the last four digits of the applicant's social security number and must confirm that he or she is a United States citizen. If the registrant does not have a driver's license or social security number, a unique voter registration number will be issued.

The Secretary of State (Secretary) must verify that either the driver's license number or the last four digits of the social security number match information maintained by the Washington Department of Licensing (DOL) or the Social Security Administration (SSA). The Secretary must correspond with the applicant to resolve any discrepancy, and the applicant must respond with the requested information within 30 days, otherwise the Secretary must forward the application to the appropriate county auditor for document storage.

If a voter is convicted of a felony, he or she loses the right-to-vote. Cancellation of a felon's registration is done by the county auditor upon notification of such a conviction by the state or federal court. Effective January 1, 2006, a felon's registration may also be cancelled through a process of comparing a list of known felons provided by the Department of Corrections (DOC) with the statewide voter registration list.

Summary of Bill:

The information required for voter registration is clarified. A Washington identification card will be accepted for purposes of registering to vote.

Voter application forms must contain a box the applicant may check to confirm that the applicant is a citizen of the United States. The application form and absentee ballot envelopes must contain a box to check that will indicate if the applicant or voter is a member of the armed forces. Requests for confirmation of a registered voter's address must include a postage prepaid, pre-addressed return form.

If the applicant's driver's licence or social security number does not match the information maintained by the DOL or the SSA, the applicant has 45 days, rather than 30 days, to respond to correspondence from either the Secretary or the county auditor. If the applicant does not respond in that time, he or she will not be registered to vote. The Secretary or the county auditor must check citizenship of each applicant with the federal Immigration and Naturalization Service.

A copy of a current photo identification, utility bill, bank statement, paycheck, or government check or another government document showing the applicant's name and address may be requested by the Secretary or county auditor if the primary information provided does not match information maintained by the DOL or the SSA.

Voters with nontraditional addresses may register to vote using the county courthouse, city hall, or other nearby public building as his or her residence. "Nontraditional address" is defined as a shelter, park, or other identifiable location that the voter deems as his or her residence.

The bill clarifies that voter registration application forms collected by persons or organizations may be sent either to the Secretary or the county auditor and the effective date of those registrations is the date the registrations are received by the Secretary or the county auditor.

County election officials are required to conduct random checks of the county record of registered voters against the statewide voter registration list to correct the list due to deaths or address differences.

When conducting a periodic comparison of the DOC felon list, the Secretary must also check other state agency lists and databases, including those maintained by the Washington State Patrol and the Office of the Administrator for the Courts, to screen for felons.

The notice cancelling a person's voter registration based on a felony conviction must include an explanation of the requirements for restoring voting rights. A certificate of discharge or an order restoring civil rights may be used as proof that a felon has completed all sentencing requirements.

As part of the procedures for motor voter registrations, Department of Licensing agents are required to ask and confirm that an applicant who wishes to register to vote is a United States citizen and is at least 18 years old. If an affirmative answer is not made to both questions, the agent must not provide the applicant with a voter registration form.

The provision to compensate counties with less than 10,000 registered voters for maintenance of the voter registration records on electronic data processing systems is repealed.

Senate Bill Compared to House Bill

The *Senate bill* requires the following provisions not included in the House bill:

- the Secretary and county auditors must check citizenship of voter applicants with the Immigration and Naturalization Service;
- county election officials must conduct random checks of its county registration list with the statewide voter registration list to identify deceased persons and address changes;
- voter application forms and absentee ballot envelopes must contain a box that the applicant or voter may check to indicate that he or she is a member of the armed forces;
- the Department of Licensing, for motor voter purposes, must ask and confirm if the applicant is a U.S. citizen and is 18 years of age.

The *House bill* requires the following provisions not included in the Senate bill:

- a notification procedure for the purpose of updating the statewide voter registration data base whenever a certificate of discharge is issued by the Superior Court, or restoration of civil rights is issued by the Indeterminate Sentence Review Board or the Clemency and Pardons Board;
- the felon list must not include anyone whose conviction has been invalidated or who has been convicted in another state and had their voting rights restored in that state.

Appropriation: None.

Fiscal Note: Requested March 16, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.